

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: February 19, 2014

Sponsored by Council Members: Berg, Matzo, Motsavage, Webb, Rennia, Mihalko, Papastrat

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE PURCHASE, CLOSING COST, AND DEMOLITION OF FLOOD-DAMAGED HOMES, STATING THE ESTIMATED MAXIMUM COST OF \$3,500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton adopted Permanent Ordinance 13-1 on January 9, 2013, entitled "An Ordinance Authorizing the Demolition of Flood-Damaged Homes, Stating the Estimated Maximum Cost of \$3,500,000, Appropriating said Amount for such Purposes, and Authorizing the Issuance of \$3,500,000 Bonds of said City to Finance said Appropriation"; and


WHEREAS, the City of Binghamton has determined that it is in the best interest of the City to acquire said flood-damaged homes in connection with the demolition and to amend the bond to include both acquisition and demolition of the flood-damaged homes, the full text of which is attached hereto as "Exhibit A".

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That this Bond Ordinance, authorizing the issuance of serial bonds in an amount not to exceed Three Million, Five Hundred Thousand Dollars (\$3,500,000) by the City of Binghamton is hereby amended, attached hereto as "Exhibit A".

Section 2. That this Ordinance shall take effect immediately upon (1) adoption by the Council of the City of Binghamton and approved in writing by the Mayor of the City of Binghamton in the manner prescribed by law; and (2) its approval in writing by the Board of Estimate and Apportionment of the City of Binghamton.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 2/20/14. Approved by the
Mayor on 2/24/14.



Introductory No. O14-6
Permanent No. O14-7

Sponsored by City Council Members:
Berg, Matzo, Motsavage, Webb, Rennia, Mihalko,
Papastrat

AN ORDINANCE AUTHORIZING THE
PURCHASE, CLOSING COST, AND
DEMOLITION OF FLOOD-DAMAGED HOMES,
STATING THE ESTIMATED MAXIMUM COST
OF \$3,500,000, APPROPRIATING SAID AMOUNT
FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF \$3,500,000 BONDS OF SAID CITY
TO FINANCE SAID APPROPRIATION

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date FEBRUARY 20, 2014
[Signature]
City Clerk

Date Presented to Mayor FEBRUARY 21, 2014
2/24/14
Date Approved [Signature]
Mayor

First reading legislation occurred at the
Business Meeting on February 19, 2014.

Motion to approve legislation.
Moved by Berg, seconded by Webb.

Motion to declare City Council as lead
agency.
Moved by Webb, seconded by Motsavage.
Voice vote, none opposed.

Motion to declare Introductory Ordinance
114-6 as an unlisted action under the State
Environmental Review Act.
Moved by Webb, seconded by Motsavage.
Voice vote, none opposed.

Motion to hold legislation.
Moved by Rennia, seconded by Motsavage.
Legislation held.

Second reading legislation occurred at the
Special Business Meeting on February 20,
2014.

Motion to approve legislation.
Moved by Berg, seconded by Webb.
Legislation adopted see ("Final Vote").

"Final Vote"

| | Ayes | Nays | Abstain | Absent |
|-----------|------|------|---------|--------|
| Motsavage | ✓ | | | |
| Mihalko | ✓ | | | |
| Rennia | ✓ | | | |
| Webb | ✓ | | | |
| Papastrat | ✓ | | | |
| Matzo | ✓ | | | |
| Berg | ✓ | | | |
| Total | 7 | 0 | 0 | 0 |

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated
7 Ayes 0 Nays 0 Abstain 0 Absent

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: February 19, 2014

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Approval of bond for purchase and demolition of houses, including closing cost, pursuant to a FEMA and New York State buy-out program.

SEQR Status: Type 1
 Unlisted X

Conditioned Negative Declaration: Yes
 No X

Description of Action:

The Federal Emergency Management Agency (FEMA) and New York State (NYS) have approved a buy-out program for the purchase and demolition of homes damaged by flood waters during Tropical Storm Lee. The FEMA/NYS program will reimburse the City for the purchase costs, including title and closing costs, and demolition costs. The City previously approved a bonding pending reimbursement for the demolition costs in January 2013, and now wishes to extend the bond to include the purchase costs, including title and closing costs, and demolition costs pending reimbursement from FEMA/NYS for the following properties: 9 Duke St., 14 Baltimore Ave., 6 Baltimore Ave., 1 Baltimore Ave., 29 Baltimore Ave., 1 Avon Road, 7 Laurel Ave., 9 Laurel Ave., 22 New St., 24 New St., 3 Avon Road, 4 Avon Road, 5 Vermont Ave., 91 Charles Place, 96 Charles Place, 7 Vermont Ave., 8 Vermont Ave., 12 Lourdes Road, 14 Lourdes Road, 16 Lourdes Road.

Location: The City of Binghamton, Broome County, New York

Reasons Supporting This Determination:

Insofar as these homes are not habitable and are in the natural watercourse during flood conditions, the demolition of these homes will remove blight and provide for natural disbursement of flood waters.

The lead agency has reviewed the Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

The action will not produce a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The action will not involve the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant or the habitat of such a species; or other significant adverse impacts to natural resources.

The action will not cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14 (g).

The action will not create a material conflict with a community's current plans or goals as officially approved or adopted. Indeed, it is in keeping with the City of Binghamton's Comprehensive Plan.

The action will not impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The action will not cause a major change in the use of either the quantity or type of energy.

The action will not create a hazard to human health.

The action will not cause a substantial change in the use or intensity of use of land including agriculture, open space or recreation resources, or in its capacity to support existing uses.

The action will not change two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together results in a substantial adverse impact on the environment.

Impacts from the action may combine with impacts of other, possible independent actions in the vicinity. The lead agency finds that when considered cumulatively such combination will not create a significant adverse impact on the environment.

For Further Information

Contact Person: Teri Rennia, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)



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February 14, 2014

City of Binghamton, New York
Amending Bond Resolution
(Our File Designation: 5040/35930)

Mr. Charles L. Pearsall
City Comptroller/CFO
City of Binghamton
City Hall
38 Hawley Street
Binghamton, New York 13901-3766

Dear Charlie:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of a Council meeting to be held on February 19, 2014, showing adoption of the above amending bond ordinance and providing for publication, in summary.

Please note that the bond ordinance is to be adopted by at least a two-thirds vote of the entire Council membership (not taking into account any temporary vacancies).

The Clerk's statutory estoppel notice, including the summary form of the bond ordinance, in readiness for publication in the official City newspaper, is also enclosed. You will recall that publication of the bond ordinance, in summary, commences a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

Please obtain and forward to me a certified copy of the Extract of Minutes and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,

William J. Jackson

WJJ/ml
Enclosures

1337373.1 035930 RSIND

EXTRACT OF MINUTES

**Meeting of the Council of the City of Binghamton,
in the County of Broome, New York**

February 20, 2014

*** * ***

A regular meeting of the Council of the City of Binghamton, in the County of Broome, New York, was held at the City Hall, Binghamton, New York, on February 20, 2014.

There were present:

Councilpersons: Teri Rennia, Lea Webb, Jerry Motsavage, Bill Berg, John Matzo, Joseph Mihalko, Chirs Papastrat

There were absent: None

Also present: Angela Holmes, City Clerk

*** * ***

Councilman Bill Berg offered the following ordinance and moved its adoption:

EXHIBIT A

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON,
NEW YORK, ADOPTED FEBRUARY 20, 2014, AMENDING THE
BOND ORDINANCE ADOPTED JANUARY 9, 2013 RELATING TO
THE ACQUISITION AND DEMOLITION OF FLOOD-DAMAGED
HOMES IN THE CITY

Recitals

WHEREAS, the Council of the City of Binghamton (the "City"), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$3,500,000 to finance the demolition of flood-damaged homes located in the City, as specified in the bond ordinance adopted on January 9, 2013; and

WHEREAS, the Council has now determined that it is in the best interests of the City to acquire said flood-damaged homes in connection with the demolition thereof and to amend the description of the project to include both acquisition and demolition.

Now, therefore, be it

RESOLVED BY THE COUNCIL OF THE CITY OF BINGHAMTON, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section A. The bond ordinance of said City duly adopted by the Council of the City on January 9, 2013 is hereby amended to read as follows:

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 9, 2013 AND AMENDED ON FEBRUARY 20, 2014, AUTHORIZING THE ACQUISITION AND DEMOLITION OF FLOOD-DAMAGED HOMES LOCATED IN THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,500,000 TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for the acquisition and demolition of homes damaged by recent storms;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK, DULY CONVENED (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to: (a) acquire flood-damaged homes located in the City, at the estimated maximum cost of \$1,894,000 and (b) demolish said flood-damaged homes, at the estimated maximum cost of \$1,606,000. The estimated total cost of the foregoing, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000 and said

amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. 14-7. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$3,500,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any grant funds received or to be received from the United States of America and/or the State of New York or any other source in connection with such project are hereby authorized to be applied towards the cost of such project or redemption of the bonds or notes issued therefor, or shall be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds or notes.

Section 2. Bonds of the City in the principal amount of not to exceed \$3,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. (a) The period of probable usefulness applicable to \$1,894,000 of the bonds herein authorized, for the purposes referred to in Section 1(a) hereof, within the limitations of Sections 11.00 a. 21(a) of the Law, is thirty (30) years.

(b) The period of probable usefulness applicable to \$1,606,000 of the bonds herein authorized, for the purposes referred to in Section 1(b) hereof, within the limitations of Sections 11.00 a. 12-a of the Law, is five (5) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to

reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section B. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "BINGHAMTON PRESS," a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section C. The amendment of the bond ordinance set forth in Section A of this ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.

* * *

The adoption of the foregoing ordinance was seconded by Councilwoman Lea Webb and duly put to a vote on roll call, which resulted as follows:

AYES: Motsavage, Mihalko, Rennie, Webb, Matzo, Berg, Papastrat

NOES: None

The ordinance was declared adopted.

CERTIFICATE

I, ANGELA FAGERSTROM, City Clerk of the City of Binghamton, in the County of Broome, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Council of said City of Binghamton duly called and held on February 19, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract. Such ordinance was approved in writing by the Mayor of the City on February 24, 2014 and by the Board of Estimate and Apportionment of the City on February 19, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Binghamton this 25 day of February 2014.

(SEAL)


City Clerk

NOTICE

The ordinance, a summary of which is published herewith, has been adopted by the Council of the City of Binghamton on February 20, 2014, as an amendment to the bond ordinance adopted on January 9, 2013. Such ordinance was approved in writing by the Mayor of the City on February 24, 2014 and by the Board of Estimate and Apportionment of the City on February 19, 2014.

The validity of the obligations authorized by such ordinance may be hereafter contested only if the obligations authorized hereby were authorized for an object or purpose for which the City of Binghamton, in the County of Broome, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DATE: February 14, 2014

ANGELA HOLMES

City Clerk, City of Binghamton

AMENDING BOND ORDINANCE OF THE CITY OF
BINGHAMTON, NEW YORK, ADOPTED FEBRUARY 20,
2014, AMENDING THE BOND ORDINANCE ADOPTED
JANUARY 9, 2013 RELATING TO THE ACQUISITION AND
DEMOLITION OF FLOOD-DAMAGED HOMES IN THE CITY

The objects or purposes for which the bonds are authorized are to: (a) acquire flood-damaged homes located in the City, at the estimated maximum cost of \$1,894,000 and (b) demolish said flood-damaged homes, at the estimated maximum cost of \$1,606,000.

The total amount of obligations to be issued is not to exceed \$3,500,000.

The period of probable usefulness of \$1,894,000 of the bonds is thirty (30) years and the period of probable usefulness of \$1,606,000 of the bonds is five (5) years.

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, City of Binghamton, City Hall, 38 Hawley Street, Binghamton, New York.

Dated: February 20, 2014